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Remarks

Reconsideration of the above-captioned application is respectfully requested. The indicated allowability of Claims 3, 6, 8, 9, 12, 13, and 16-18 is gratefully acknowledged.

The specification has been objected to for referring to a pending application that has since been issued, which objection has been cured herein, and for discussing a "DEAT" table in the referenced application. In the issued patent, although the acronym "DEAT" is not mentioned, the lookup tables are shown in Figure 1 and discussed at, e.g., col. 3, lines 20-57.

Claims 7 and 10 have been objected to, but only Claim 7 has been discussed with the allegation that "second optimization" lacks antecedent basis. Applicant does not understand this objection. The term being recited is "operations per second optimization", i.e., an optimization based on the number of operations each second, for which there is adequate antecedent basis. Here, "second" is being used as a time period, not as a generic distinction between two (i.e., "first" and "second") optimizations.

Claims 7 and 10 have been rejected under 35 U.S.C. §101 for allegedly reciting non-statutory subject matter. Applicant has amended Claim 7 as suggested by the Examiner. Claim 10 is another matter. Is it seriously the position of the U.S. P.T.O. that a hard disk drive is not statutory subject matter?

Claims 7 and 10 have been rejected under 35 U.S.C. §112, first paragraph, whether for lack of written description or for lack of enablement is not clear. It appears that the substance of the rejection is that "determining a next command" is not "tied" sufficiently to "determining a pipe length." It doesn't have to be, unless the missing "tie-in" has been explicitly characterized by Applicant as being "critical", MPEP §2164.08(c). Instead, it must be determined whether *the specification* contains adequate written description to enable one skilled in the art to make and use the invention, and detailed, non-limiting examples that

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adequately bridge a pipe length determination to a determination of a next command are set forth in the specification starting in the middle of page 6 through the top of page 9.

Independent Claims 1 and 10 have been rejected under 35 U.S.C. §102 as being anticipated by Clegg et al., USPN 6,721,845, and dependent Claims 2, 4, 5, 11, 14, and 15 have been rejected under 35 U.S.C. §103 as being unpatentable over Clegg et al. Independent Claim 7 has not been substantively rejected.

Independent Claim 1 now recites the limitation of former Claim 2, overcoming the anticipation rejection and raising the issue of the obviousness rejection of Claim 2. The examiner has pointed to Clegg et al., col. 2, lines 25-30 as "clearly describing the advantage of writing sequential data records so they fill the current cylinder before moving to the next cylinder." However, that is not what Applicant is claiming. Applicant is claiming doing something based on a specific parameter - pipe length - that is nowhere implicated in the relied-upon section of Clegg et al., nor is the word "pipe" or the term "pipe length" even mentioned in the entire patent.

Independent Claim 10 now recites the limitation of now-canceled Claim 11, which had been rejected "on the same rationale as Claim 5" and in reliance on Clegg et al., col. 4, line 55 - col. 5, line 23. However, neither the rejection of Claim 5 nor the relied-upon section of Clegg et al. mention any type of fraction, much less a fraction having a particular parameter in the numerator and a particular parameter in the denominator.

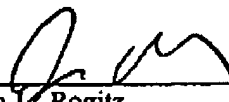
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

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